

P O R T E R | S C O T T

A PROFESSIONAL CORPORATION

Carl L. Fessenden, SBN 161494

cfessenden@porterscott.com

Suli A. Mastorakos, SBN 330383

smastorakos@porterscott.com

350 University Ave., Suite 200

Sacramento, California 95825

TEL: 916.929.1481

FAX: 916.927.3706

Attorneys for Defendants

COUNTY OF SACRAMENTO, PAMELA PISANI, JENNIFER STEWART and SHERIFF'S
SERGEANT RONALD BRIGGS

Exempt from Filing Fees Pursuant to Government Code § 6103

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MS. PARVIN OLFATI,

Case No. _____

Plaintiff,

[Sacramento County Superior Court Case No.:
34-2021-00310164]

v.

**NOTICE OF REMOVAL OF CIVIL
ACTION TO FEDERAL COURT UNDER
28 U.S.C. § 1441(a)
(FEDERAL QUESTION JURISDICTION)**

COUNTY OF SACRAMENTO; PAMELA
PISANI; JENNIFER REIMAN; JENNIFER
STEWART; SHERIFF'S SERGEANT
RONALD BRIGGS; JANE ROE
DEFENDANT ONE; JANE ROE
DEFENDANT TWO; JANE ROE
DEFENDANT 3-100, JOHN DOE
DEFENDANTS 1-100,

Defendants.

**TO THE CLERK OF THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT
OF CALIFORNIA:**

PLEASE TAKE NOTICE that the Defendants hereby remove the above-captioned action from
the Superior Court of the State of California, County of Sacramento, to the United States District Court

for the Eastern District of California, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. This action is a civil action over which this Court has original jurisdiction based on the general federal question jurisdiction pursuant to 28 U.S.C. § 1331 and is one that may be removed to the Court by Defendants pursuant to 28 U.S.C. §§ 1441(a) and 1446. In support of the Notice of Removal of Civil Action, Defendants state:

I. STATUS OF THE PLEADINGS

1. On or about October 25, 2021, Plaintiff commenced a civil action in the Sacramento County Superior Court, Case No. 34-2021-00310164, entitled *Parvin Olfati v. County of Sacramento*, et al, alleging numerous state law causes of action against Defendants COUNTY OF SACRAMENTO and PAMELA PISANI. True and correct copies of Plaintiff's Complaint, Summons, Civil Cover Sheet, and Notice of Mandatory Case Management Conference are attached here as **Exhibit A**. (See Declaration of Suli A. Mastorakos in Support of Defendants' Notice of Removal of Civil Action to Federal Court from State Court ("Mastorakos Decl."), ¶ 2; Exhibit A.)

2. On or about January 28, 2022, Defendants COUNTY OF SACRAMENTO and PAMELA PISANI filed an Anti-SLAPP motion. On April 20, 2022, the Court issued an Order denying Defendants' motion. True and correct copies of Defendants' motion, the opposition, the reply, the Court's Order, and all other relevant documents are attached hereto as **Exhibit B**. (See Mastorakos Decl., ¶ 3; Exhibit B.)

3. On or about May 17, 2022, Plaintiff filed a motion for leave to amend her Complaint to name additional defendants, along with a petition for permission to file a late tort claim against the County of Sacramento. The Court granted Plaintiff's motion and petition, respectively, on June 9, 2022. True and correct copies of Plaintiff's motion, petition to file late tort claim, the Court's Order granting Plaintiff leave to amend, and all other accompanying documents are attached hereto as **Exhibit C**. (See Mastorakos Decl., ¶ 4; Exhibit C.)

4. On or about June 10, 2022, Plaintiff filed a First Amended Complaint. On June 14, 2022, Plaintiff served Defendants COUNTY OF SACRAMENTO and PAMELA PISANI with the First Amended Complaint. On June 15, 2022, the state Court issued Summons' for the three newly named defendants JENNIFER REIMAN, JENNIFER STEWART, and RONALD BRIGGS. On June 17, 2022,

1 Plaintiff served the newly named Defendants, through their undersigned counsel of record, with a copy
2 of the First Amended Complaint. True and correct copies of Plaintiff's First Amended Complaint,
3 including all Summons' and Proofs of Service, are attached hereto as **Exhibit D**. (See Mastorakos
4 Decl., ¶ 5; Exhibit D.)

5 5. This Notice to Federal Court of Removal of Civil Action from State Court is timely filed
6 pursuant to 28 U.S.C. §1446(b), which provides that such Notice "shall be filed within thirty days after
7 the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth
8 the claim upon which such action or proceeding is based."

9 **II. BASIS FOR FEDERAL QUESTION JURISDICTION**

10 6. Plaintiff's First Amended Complaint alleges federal claims for relief under 42 U.S.C. §
11 1983, meaning the United States District Court for the Eastern District of California has original
12 jurisdiction under 28 U.S.C. § 1331, and, therefore, the action may be removed to this Court by
13 Defendants pursuant to 28 U.S.C. §§ 1441 and 1446.

14 **III. VENUE**

15 7. Venue is proper in this District because this District includes the Sacramento County
16 Superior Court, the forum in which the removed action was pending. In addition, Defendants are
17 located in this judicial District, and all alleged acts identified in the First Amended Complaint occurred
18 within this District. 28 U.S.C. § 1391(b).

19 **IV. DEFENDANTS AND DOES**

20 8. Defendants COUNTY OF SACRAMENTO, PAMELA PISANI, JENNIFER REIMAN,
21 JENNIFER STEWART, and RONALD BRIGGS consent to this Notice of Removal. (See Mastorakos
22 Decl., ¶ 6.)

23 9. Defendants are informed and believe that none of the remaining Doe Defendants in this
24 case have been identified or served. Doe Defendants are fictitious, are not parties to this action, have
25 not been served, and are to be disregarded for the purpose of this removal. 28 U.S.C. § 1441.

26 **V. NOTICE OF REMOVAL**

27 10. Defendants will promptly file a Notice of this Removal with the Clerk of the
28 Sacramento County Superior Court and serve the Notice on all parties who have appeared in the action.

11. Defendants will provide all adverse parties notice as required under 28 U.S.C. § 1446(d) and file a copy of said notice.

12. Based on the foregoing, this Court has jurisdiction over this action. Accordingly, this action is properly removed.

13. This Notice is submitted in accordance with 28 U.S.C. § 1446(a) and is signed pursuant to Federal Rule of Civil Procedure 11.

VI. CONCLUSION AND REQUESTED RELIEF

14. WHEREFORE, pursuant to 28 U.S.C. § 1441(a), Defendants remove this case from the Superior Court of the State of California in and for the County of Sacramento to this Court. Accordingly, Defendants respectfully request that this Court proceed with this matter as if it had been originally filed herein.

Dated: June 29, 2022

PORTER SCOTT
A PROFESSIONAL CORPORATION

By /s/Carl L. Fessenden
Carl L. Fessenden
Suli A. Mastorakos
Attorneys for Defendants

Olfati v. County of Sacramento et al.

DECLARATION OF SERVICE

I am a resident of the United States and of the County, of Sacramento, California. I am over the age of eighteen years and not a party to the within above-entitled action. My business address is 350 University Avenue, Suite 200, Sacramento, California.

I am familiar with this Company's practice whereby the mail, after being placed in a designated area, is given the appropriate postage and is deposited in a U.S. mailbox in the City of Sacramento, California, after the close of the day's business.

That on the date below, I served the following: **NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT UNDER 28 U.S.C. § 1441(a) (FEDERAL QUESTION JURISDICTION)** on all parties in the said action as addressed below by causing a true copy thereof to be served:

X	BY MAIL: I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
	BY PERSONAL SERVICE: I caused such document to be personally delivered to the person(s) addressed below. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.
	BY OVERNIGHT DELIVERY: I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the person(s) listed below. I placed the envelope or package for collection and overnight delivery at my office or a regularly utilized drop box of the overnight delivery carrier.
	BY ELECTRONIC SERVICE: Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification address listed below.

Attorney for Plaintiff

Steven Mark Kamp
STEVEN KAMP LAW OFFICE
22 Petrilli Circle
Sacramento, C 95822
Steve.kamp@comcast.net

I declare under the penalty of perjury that the foregoing is true and correct. Executed at Sacramento, California, on June 29, 2022.



Kilina Tellez